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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Pelletier, et al.

Serial No.: 09/407,804

Filed: December 2, 1999

For: **DNA SEQUENCES FROM
STAPHYLOCOCCUS AUREUS
BACTERIOPHAGE 77 THAT
ENCODE ANTI-MICROBIAL
POLYPEPTIDES**

)
) **Group Art Unit: 1653**

)
) **Examiner: Tu, S.**

TECH CENTER 1600/2900

#9c 1/12/01
TBray

**RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY
AMENDMENT**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the office action mailed October 3, 2000, in which the Examiner identified 7 inventions and required the election of claims corresponding to one group, Applicant hereby elects, claim group II, encompassing claims 9, 10, 12, 13, and 14, with traverse. In addition, kindly enter the following new claims.

As explained below, Applicant respectfully requests that the Examiner reconsider and rejoin claim group III with claim group II for further prosecution in this application.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

3 January 2001
Date of Deposit

Nancy Overly-Walker
Name of Person Mailing Paper
[Signature]
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